

## Environmental Protection Agency

## § 35.4270

### GRANT DISPUTES, TERMINATION, AND ENFORCEMENT

#### **§ 35.4245 How does my group resolve a disagreement with EPA regarding our TAG?**

The regulations at 40 CFR 30.63 and 31.70 will govern disputes except that, before you may obtain judicial review of the dispute, you must have requested the Regional Administrator to review the dispute decision official's determination under 40 CFR 31.70(c), and, if you still have a dispute, you must have requested the Assistant Administrator for the Office of Solid Waste and Emergency Response to review the Regional Administrator's decision under 40 CFR 31.70(h).

#### **§ 35.4250 Under what circumstances would EPA terminate my group's TAG?**

(a) EPA may terminate your grant if your group materially fails to comply with the terms and conditions of the TAG and the requirements of this subpart.

(b) EPA may also terminate your grant with your group's consent in which case you and EPA must agree upon the termination conditions, including the effective date as 40 CFR 30.61 describes.

#### **§ 35.4255 Can my group terminate our TAG?**

Yes, your group may terminate your TAG by sending EPA written notification explaining the reasons for the termination and the effective date.

#### **§ 35.4260 What other steps might EPA take if my group fails to comply with the terms and conditions of our award?**

EPA may take one or more of the following actions, under 40 CFR 30.62, depending on the circumstances:

(a) Temporarily withhold advance payments until you correct the deficiency;

(b) Not allow your group to receive reimbursement for all or part of the activity or action not in compliance;

(c) Wholly or partly "suspend" your group's award;

(d) Withhold further awards (meaning, funding) for the project or program;

- (e) Take enforcement action;
- (f) Place special conditions in your grant agreement; and
- (g) Take other remedies that may be legally available.

### CLOSING OUT A TAG

#### **§ 35.4265 How does my group close out our TAG?**

(a) Within 90 calendar days after the end of the approved project period of the TAG, your group must submit all financial, performance and other reports as required by § 35.4180. Upon request from your group, EPA may approve an extension of this time period.

(b) Unless EPA authorizes an extension, your group must pay all your bills related to the TAG by no later than 90 calendar days after the end of the funding period.

(c) Your group must promptly return any unused cash that EPA advanced or paid; OMB Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivables, governs unreturned amounts that become delinquent debts.

### OTHER THINGS YOU NEED TO KNOW

#### **§ 35.4270 Definitions.**

The following definitions apply to this subpart:

*Advance payment* means a payment made to a recipient before "outlays" are made by the recipient.

*Affected* means subject to an actual or potential health, economic or environmental threat. Examples of affected parties include people:

(1) Who live in areas near NPL facilities, whose health may be endangered by releases of hazardous substances at the facility; or

(2) Whose economic interests are threatened or harmed.

*Affiliated* means a relationship between persons or groups where one group, directly or indirectly, controls or has the power to control the other, or, a third group controls or has the power to control both. Factors indicating control include, but are not limited to:

(1) Interlocking management or ownership (e.g., centralized decision-making and control);

(2) Shared facilities and equipment; and